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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,796	03/26/1999	CECILIA CARRANZA LEWIS	SA9-98-116	6345

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NOREEN A KRALL
IBM CORPORATION
INTELLECTUAL PROPERTY LAW
5600 COTTLE ROAD (L2PA/0142)
SAN JOSE, CA 95193

EXAMINER

VITAL, PIERRE M

ART UNIT

PAPER NUMBER

2186

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/280,796

Applicant(s)
Lewis et al.

Examiner
Pierre Vital

Art Unit
2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Feb 25, 2002

2a) ☒ This action is FINAL.

2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-18 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-18 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

Art Unit: 2186

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to applicant's communication filed February 25, 2002 in response to PTO Office Action dated November 5, 2001. The applicant's remarks and amendment to the specification and/or the claims were considered with the results that follow.
2. Claims 1-18 have been presented for examination in this application. In response to the last Office Action, no claims have been amended. No claims have been canceled. Claims 15-18 have been added. As a result, claims 1-18 are now pending in this application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 15-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner did not find any support in the specification for the newly added claims disclosing "testing whether a buffer resides in physical memory".

Art Unit: 2186

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1, 2, 5, 8, 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Valizadeh (US5,838,994).

As per claims 1 and 8, Valizadeh discloses a buffer pool further comprised of an amount of fixed storage and an amount of virtual storage [col.2, line 53 - col.3, line 5]; a buffer manager for dynamically varying the amount of fixed storage and the amount of virtual storage based on a comparison of present usage of the amount of fixed storage and the amount of virtual storage to target values [col.3, lines 6-11; col.5, lines 32-52].

As per claims 2, 5, 9 and 12, Valizadeh discloses a buffer pool comprising a plurality of buffers logically partitioned into three states: fixed, pageable and released [col.5, lines 23-31]; said buffer pool comprising both fixed and virtual storage [col.2, line 53 - col.3, line 5].

Art Unit: 2186

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 4, 6, 7, 10, 11 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valizadeh (US5,838,994) and Yoshimoto et al. (US5,862,409).

As per claims 3, 6, 10 and 13, Valizadeh discloses the claimed invention as detailed above in the previous paragraphs. However, Valizadeh fails to specifically teach a buffer index table comprising buffer index elements wherein each entry represents one buffer in the pool as recited in the claims.

Yoshimoto discloses a buffer index table comprising buffer index elements wherein each entry represents one buffer in the pool [Col.8, Lines 32-51].

It would have been obvious to one of ordinary skill in the art, having the teachings of Valizadeh and Yoshimoto before him at the time the invention was made, to modify the system Valizadeh to include a buffer index table wherein each entry represents one buffer in the pool because it would have provided effective system management by monitoring all changes to the extent of the buffer capacity as taught by Yoshimoto.

Art Unit: 2186

As per claims 4, 7, 11 and 14, Yoshimoto discloses said buffer index elements further comprise a buffer state information field which represents the logical partition where the buffer resides and a pointer field to the next available buffer in the same state within the buffer pool [Col.8 , Lines 33-35].

As per claims 15-18, Valizadeh discloses testing whether a buffer resides in physical memory [Col.8, line 63 - column 10, line 15].

Response to Arguments

9. Applicant's arguments filed February 25, 2002 have been fully considered but they are not persuasive. As to the remarks, Applicant asserted that:

Valizadeh does not include the claimed limitation of “an amount of fixed storage,” an amount of virtual storage” and “dynamic variations in the amount” in the sense conveyed by the language of the claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “an amount of

Art Unit: 2186

fixed storage”, “an amount of virtual storage” and “dynamic variations in the amount”) are not recited in the rejected claim(s) in a manner that differs from the Valizadeh reference. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claims *as recited* are *broad* and only provide for a buffer pool comprising an amount of fixed storage and an amount of virtual storage. It is clearly seen that Valizadeh teaches an amount of fixed storage (i.e., a fixed region) and an amount of virtual storage (i.e., a reserved region reserved for allocation only to buffer queues that service activated logical channels) as disclosed in column 2, lines 53-67 and “dynamic variations in the amount” as disclosed in column 3, lines 6-11 and column 5, lines 32-52.

There is *no mention* of “virtual storage” relative to paging mechanism and “fixed storage” relative to virtual memory paging in the claims. Applicant would be advised to amend the claims to overcome the above rejection and more clearly convey the subject matter which applicant sees as his invention.

Art Unit: 2186

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre M. Vital whose telephone number is (703) 306-5839. The examiner can normally be reached on Monday to Friday 8:30 A.M. to 6:00 P.M., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim, can be reached on (703) 305-3821. The fax phone numbers for the organization where this application or proceeding is assigned are:

After Final (703)746-7238, Non-Official (703)746-7240 and Official (703)746-7239.

Art Unit: 2186

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Pierre M. Vital

April 8, 2002



MATTHEW KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100